

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

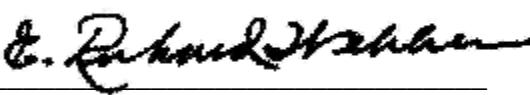
MONSANTO COMPANY and)
MONSANTO TECHNOLOGY LLC,)
)
Plaintiffs,)
)
)
vs.) Case No. 4:09CV00686 ERW
)
)
E.I. DUPONT DE NEMOURS AND)
COMPANY and PIONEER HI-BRED)
INTERNATIONAL, INC.,)
)
Defendants.)

ORDER REGARDING DEFENDANTS' NOTICE
TO COURT'S OCTOBER 31, 2011 ORDER
ON PRIVILEGED DOCUMENTS

The matter before the Court is Defendant's Notice [ECF No. 946] Concerning the Court's October 31, 2011 Order on Privilege Challenges.

When Defendants submitted Item No. 438185, the Court concluded that the documents submitted, 463468, 463469 and 463470, did not comport with the descriptions on the documents. See October 31, 2011 Order [ECF No. 939]. The Court's concern was that documents may have been substituted for those originally described. While the explanation made in support of privilege is less than what the Court expected, that it was the practice of an individual named Tracy Willits to post date documents, Defendants' counsels' representations, as officers of the Court will be accepted, and the Court rules that 463468, 463469 and 463470 are privileged, P.

So Ordered this 21st day of November, 2011.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE